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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,783	10/31/2003	David S. Benco	LUTZ 2 00250	1742

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EXAMINER	
DEAN, RAYMOND S	
ART UNIT	**PAPER NUMBER**
2618	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/698,783	BENCO, DAVID S.	
	Examiner	Art Unit	
	Raymond S. Dean	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5 and 7-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 7-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 10, and 18 have been considered but are moot in view of the new ground(s) of rejection.

Kring et al. (US 2003/0105825) teaches an MMS system in which the delivery preferences of a mobile user include rejection of video data and delayed delivery of the video data (Sections 0010 lines 1 – 4, 0034, 0058 lines 1 – 8, 0093 – 0098, discarding a message corresponds to rejection of a message).

Examiner respectfully disagrees with Applicant's assertion that Shinohara does not teach a delivery preference including immediate delivery of the video data and a response comprising at least one of a rejection of the video data, a request for immediate delivery of the video data, and a request for delayed delivery of the video data. Shinohara, as asserted in the Office Action dated September 12, 2006, teaches an MMS system in which the MMS servers receive reception requests and immediately deliver the data to the mobile station(s) that made said requests (See Section 0049 of Shinohara) thus Shinohara further teaches a response that is a request for immediate delivery of video data.

Examiner respectfully disagrees with Applicant's assertion that Shinohara and Hooper are not combinable. Shinohara and Hooper both teach memory for the storage of video data thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the memory of Shinohara with the FIFO feature

of Hooper for the purpose of providing a dynamically adjustable memory that enables data at variable sizes and rates to be written in and read out as taught by Hooper.

Examiner respectfully disagrees with Applicant's assertion that Shinohara and Cox are not combinable. Shinohara and Cox both teach a mobile phone system in which calls are directed from and to mobile phones thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shinohara with the call blocking circuitry and method of Cox for the purpose of enabling an effective management of the wireless telephones by an organization that issues said wireless telephones to selected employees as taught by Cox.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 – 2, 4 – 7, 9 – 15, 17 – 20, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinohara (US 2002/0132608) in view of Kring et al. (US 2003/0105825).

Regarding Claim 1, Shinohara teaches a system to provide transmission of video data from a first mobile station to a second mobile station in a network, the system comprising: a call recognition module operative to recognize a call from the first mobile station to the second mobile station as including the video data and, if the video data is

present, validating the second mobile station as capable of receiving the video data (Figures 3, 5, Sections 0034, 0036 – 0037, 0044 – 0047) and determining a delivery preference for the second mobile station, delivery preferences including immediate delivery of the video data (Section 0049, the delivery preference is to have multimedia message that is held in the MMS servers immediately forwarded); a storage module operative to have stored therein the video data (Section 0036); an announcement module operative to selectively prompt, based on the delivery preference, the second mobile station if the second mobile station is validated (Sections 0045 – 0047, the prompt is the incoming call notification), receive a response to the prompt from the second mobile station and selectively forward the response, the response comprising at least one of a rejection of the video data, a request for immediate delivery of the video data, and a request for delayed delivery of the video data (Sections 0048, 0049); and, a control module operative to store the video data in the storage module upon recognition (Section 0047), receive the response from the announcement module and, based on the response, perform at least one of maintaining the video data in the storage module, deleting the video data from the storage module, and forwarding the video data to the second mobile station (Sections 0048 – 0049, the video data is forwarded to the mobile telephones).

Shinohara does not teach delivery preferences including a rejection of video data and delayed delivery of the video data.

Kring teaches delivery preferences including a rejection of video data and delayed delivery of the video data (Sections 0010 lines 1 – 4, 0034, 0058 lines 1 – 8, 0093 – 0098, discarding a message corresponds to rejection of a message).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shinohara with the policy based management feature of Kring for the purpose of improving data management in the mobile network as taught by Kring.

Regarding Claim 10, Shinohara teaches a method for transmitting video data from a first mobile station to a second mobile station in a network, the method comprising: recognizing a call from the first mobile station to the second mobile station as including the video data; if the video data is present, validating the second mobile station as capable of receiving the video data (Figures 3, 5, Sections 0034, 0036 – 0037, 0044 – 0047) and determining a delivery preference for the second mobile station, delivery preferences including immediate delivery of the video data (Section 0049, the delivery preference is to have multimedia message that is held in the MMS servers immediately forwarded); storing the video data in a storage module (Section 0036); selectively prompting, based on the delivery preference, the second mobile station if the second mobile station is validated (Sections 0045 – 0047, the prompt is the incoming call notification); receiving a response to the prompt from the second mobile station, the response comprising at least one of a rejection of the video data, a request for immediate delivery of the video data, and a request for delayed delivery of the video data; and, based on the response, performing at least one of maintaining the

video data in the storage module, deleting the video data from the storage module, and forwarding the video data to the second mobile station (Sections 0048 – 0049, the video data is forwarded to the mobile telephones).

Shinohara does not teach delivery preferences including a rejection of video data and delayed delivery of the video data.

Kring teaches delivery preferences including a rejection of video data and delayed delivery of the video data (Sections 0010 lines 1 – 4, 0034, 0058 lines 1 – 8, 0093 – 0098, discarding a message corresponds to rejection of a message).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shinohara with the policy based management feature of Kring for the purpose of improving data management in the mobile network as taught by Kring.

Regarding Claim 18, Shinohara teaches a system for transmitting video data from a first mobile station to a second mobile station in a network, the system comprising: means for recognizing a call from the first mobile station to the second mobile station as including the video data; means for validating the second mobile station as capable of receiving the video data (Figures 3, 5, Sections 0034, 0036 – 0037, 0044 – 0047) and determining a delivery preference for the second mobile station, delivery preferences including immediate delivery of the video data (Section 0049, the delivery preference is to have multimedia message that is held in the MMS servers immediately forwarded); means for storing the video data in a storage module (Section 0036); means for selectively prompting the second mobile station if the

second mobile station is validated (Sections 0045 – 0047, the prompt is the incoming call notification); means for receiving a response to the prompt from the second mobile station, the response comprising at least one of a rejection of the video data, a request for immediate delivery of the video data, and a request for delayed delivery of the video data; and, means for performing, based on the response, at least one of maintaining the video data in the storage module, deleting the video data from the storage module, and forwarding the video data to the second mobile station (Sections 0048 – 0049, the video data is forwarded to the mobile telephones).

Shinohara does not teach delivery preferences including a rejection of video data and delayed delivery of the video data.

Kring teaches delivery preferences including a rejection of video data and delayed delivery of the video data (Sections 0010 lines 1 – 4, 0034, 0058 lines 1 – 8, 0093 – 0098, discarding a message corresponds to rejection of a message).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shinohara with the policy based management feature of Kring for the purpose of improving data management in the mobile network as taught by Kring.

Regarding Claims 2, 11, Shinohara in view of Kring teaches all of the claimed limitations recited in Claims 1, 10. Shinohara further teaches wherein the call recognition module validates the second mobile station by performing a look-up operation on a mobile subscriber database (Sections 0037, 0045).

Regarding Claims 4, 12, Shinohara in view of Kring teaches all of the claimed limitations recited in Claims 1, 10. Shinohara further teaches wherein the prompt comprises a ringing tone (Sections 0047 – 0048, typical mobile phones are notified of an incoming call via a ringing tone).

Regarding Claims 5, 13, Shinohara in view of Kring teaches all of the claimed limitations recited in Claims 1, 10. Shinohara further teaches wherein the prompt comprises an announcement (Section 0047, the notification is the announcement).

Regarding Claims 14, 19, Shinohara in view of Kring teaches all of the claimed limitations recited in Claims 10, 18. Shinohara further teaches wherein the response comprises at least one of a rejection of the video data, a request for immediate delivery of the video data, and a request for delayed delivery of the video data (Sections 0048 – 0049).

Regarding Claims 7, 15, 20, Shinohara in view of Kring teaches all of the claimed limitations recited in Claims 1, 10, 18. Shinohara further teaches a call origination module operative to originate, based on the delivery preference, a subsequent call to the second mobile station to selectively prompt, based on the delivery preference, the second mobile station if the second mobile station is validated (Section 0047), receive the response to the prompt from the second mobile station and selectively forward the response to the control module (Sections 0048 – 0049).

Regarding Claims 9, 17, 22 Shinohara in view of Kring teaches all of the claimed limitations recited in Claims 1, 10, 18. Shinohara further teaches wherein the control module deletes the video data from the storage module if the call recognition module

does not validate the second mobile station (Sections 0047 – 0048, mobile telephone 10 sub 3 is not eligible to receive the video data, the data stored in the servers will be erased after said data is forwarded to the mobile telephones since the memory space is finite).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (US 2002/0132608) in view of Kring et al. (US 2003/0105825), as applied to Claim 1 above, and further in view of Hooper et al. (5,442,390).

Regarding Claim 3, Shinohara in view of Kring teaches all of the claimed limitations recited in Claim 1. Shinohara in view of Kring does not teach wherein the storage module is a first-in, first-out (FIFO) buffer.

Hooper teaches a storage module that is a first-in, first-out buffer (Column 4 lines 36 – 47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the memory of servers of Shinohara in view of Kring with the FIFO structure Hooper for the purpose of providing a dynamically adjustable memory that enables data at variable sizes and rates to be written in and read out as taught by Hooper.

5. Claims 8, 16, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (US 2002/0132608) in view of Kring et al. (US 2003/0105825), as applied to Claims 1, 10, 18 above, and further in view of Cox et al. (US 2001/0044325).

Regarding Claims 8, 16, 21, Shinohara in view of Kring teaches all of the claimed limitations recited in Claims 1, 10, 18. Shinohara in view of Kring does not teach wherein the announcement module provides a signal to the first mobile station that delivery will be blocked if the call recognition module does not validate the second mobile station.

Cox teaches providing a signal to a mobile station that delivery will be blocked if the called device is not validated (Section 0048).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify the system of Shinohara in view of Kring with the call blocking circuitry and method of Cox for the purpose of enabling an effective management of the wireless telephones by an organization that issues said wireless telephones to selected employees as taught by Cox.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Raymond S. Dean
May 18, 2007

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